IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1016 OF 2004

ALONG WITH

CRIMINAL APPLICATION NO.1017 OF 2004

ALONG WITH

CRIMINAL APPLICATION NO.1018 OF 2004

ALONG WITH

CRIMINAL APPLICATION NO.1019 OF 2004

Shri Ishwarsingh Dhawalsingh
Dudhani ...Applicant

Versus

Ramesh Babu Shinde & Anr. etc.etc. ...Respondents

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Ms.Shubhangi Deshmukh i/b Mrs.P.U.Badadare
for Applicant in all the matters.
Mr.Uday Warunjikar for Respondent No.1
in all the matters.
Mr.K.V.Saste, A.P.P. for Respondent No.2
in all the matters.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 2, 2004.

P.C.

1. Heard Counsel for the parties. Perused the pleadings.

2. The grievance made before this Court by the Complainant is that the Respondents/accused have violated the condition, on which, they were released on bail by this Court's Order dated March 25, 2003. The operative order passed by this Court on 25th March 2003, reads thus :

> "The applicant be released on bail on executing P.R. bond of Rs.50,000/- with one or two sureties of like amount to the satisfaction of the trial Court. The applicant shall not tamper with the prosecution evidence. He shall not enter into the jurisdiction of Swargate Police Station and in the area where the witnesses are residing. Before being released on bail, the applicant shall inform the Investigating Officer the address at which he will be residing after he is released on bail. he shall report to the nearest Police Station to that address twice in a week between 4 p.m. to 6 p.m. on every Monday and Thursday for six months and thereafter once in a week on every Monday till the conclusion of the

trial.

Application is disposed of."

3. The grievance before this Court is threefold, namely; the Respondents have not only entered the jurisdiction of Swargate Police Station and in the area where the witnesses are residing, but have also threatened the prosecution witnesses, trying to dissuade them from deposing against the Respondents. This allegation in the affidavit is supported by the Police Inspector, Swargate Police Station on affidavit dated 23rd November 2004. In addition, it is averred in the affidavit of Shri B.M.Sathe, Police Sub-Inspector, Swargate Police Station that the Respondents have also jumped the condition of requiring them to regularly attend the concerned Police Station. It is stated that the Respondents attended Wanawadi Police Station only between 17th April 2003 to 25th September 2003 and have failed to comply with the condition thereafter. Insofar as the allegation that the Respondents attempted to threaten the prosecution witnesses is concerned, that has been denied in the rejoinder affidavit. Assuming that the said

grievance is to be overlooked, the fact remains that there is no reason to doubt the correctness of the assertion made by the Police Officer of the concerned Police Station on affidavit that the Respondents have violated condition of entering into the jurisdiction of Swargate Police Station and in the area where the witnesses are residing and more particularly, have failed to report to the concerned Police Station, as was required under the Order dated 25th March 2004 after 25th September 2003.

4. The only explanation offered by the Counsel for the Respondents is that the Respondents belong to lower strata of life and had no intention to disobey any direction of this Court. It is not possible to accept this explanation. The fact that the Respondents regularly reported before the concerned Police Station between April to September 2003, makes it abundantly clear that they were fully aware about their obligation to report to the concerned Police Station under the order passed by this Court, which was one of the condition for grant of bail. The explanation offered by the

Respondents is therefore unacceptable. Hence, the only course open to this Court is to allow this Application by directing the concerned Police Officer to take the Respondents in custody forthwith, who are personally present in Court. Ordered accordingly.

A.M.KHANWILKAR, J.